

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CIVIL ACTION NO.: 3:17-cv-552-FDW-DSC

WILLIE SINGLETON,)
)
 PLAINTIFF,)
)
 VS.)
)
ANDREW SAUL,)
COMMISSIONER)
OF SOCIAL SECURITY,)
)
 DEFENDANT.)

ORDER

THIS MATTER is before the Court on the Motion for Attorney’s Fees filed by Plaintiff’s counsel, George C Piemonte, on August 25, 2019. Document #25. The Defendant “neither supports nor opposes counsel’s request.” Document #27 at 1. Pursuant to 42 U.S.C. § 406(b), whenever the Court renders a judgment favorable to a claimant, it may award attorney fees not to exceed twenty-five per cent of past-due benefits.

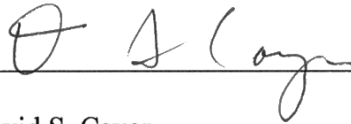
In the instant case, the fee agreement between the Plaintiff and counsel provides for a contingency fee of twenty-five per cent of past-due benefits. In these circumstances, the reviewing court does not calculate a lodestar amount. It simply reviews the fee claimed for reasonableness. See Mudd v. Barnhardt, 418 F.3d 424, 427-28 (4th Cir. 2005).

The Court has reviewed the amount requested by counsel and finds it to be reasonable. Accordingly, counsel’s Motion is **ALLOWED**. Plaintiff was awarded \$106,020.00 in past-due benefits at the administrative level after this Court entered judgment. The Social Security Administration shall release the sum of \$8,919.12 to plaintiff’s counsel as attorney’s fees for services rendered before this Court. Plaintiff’s counsel shall refund to the Plaintiff the amount of

\$5,700.00 previously awarded and paid to Plaintiff's counsel pursuant to the Equal Access to Justice Act.

SO ORDERED.

Signed: September 10, 2019

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

